

### 3.18 MANDATORY FINDINGS OF SIGNIFICANCE

The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per State CEQA Guidelines, § 15065).

MANDATORY FINDINGS OF SIGNIFICANCE –	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

**Less than Significant with Mitigation.** As described in this MND, the Project has the potential to significantly impact the following environmental disciplines: Aesthetics, Biological Resources, Cultural and Paleontological Resources, Hazards and Hazardous

Materials, Hydrology and Water Quality, Noise, and Transportation/Traffic. However, measures have been identified in each environmental discipline's respected section that would reduce these impacts to a level of less than significant.

***b) Does the project have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)***

**Less than Significant with Mitigation.** Past, current, and reasonably foreseeable projects that are within 0.25 mile of the proposed Project are provided in Table 3.18-1.

**Table 3.18-1. Relevant Cumulative Projects**

Project Name	Brief Description	Status
1. <b>Agua Hedionda Lagoon Dredging</b>	Periodic dredging of Agua Hedionda Lagoon to ensure adequate flow to the cooling water inlet for the EPS.	Periodic dredging
2. <b>I-5 North Coast Corridor Project</b>	I-5 Freeway improvements from La Jolla Village Drive in the City of San Diego and extend northward (approximately 27 miles) to Harbor Drive in the City of Oceanside.	Pending construction
3. <b>Carlsbad Desalination Plant</b>	The Carlsbad Desalination Plant is currently being built on industrially zoned land adjacent to the EPS by Poseidon Water.	Under construction
4. <b>Carlsbad Boulevard Improvement Project</b>	Carlsbad Boulevard improvements would be in support of the City of Carlsbad's Mobility Element in its draft General Plan. Improvements include: completion of pedestrian and bikeway paths/lanes; construction of a roundabout at the intersection of Cannon Road and Carlsbad Boulevard; and improvements at the intersection of Carlsbad Boulevard and Tamarack Avenue.	Pending construction
5. <b>PDP 00-02(C) - Agua Hedionda Sewer Lift Station &amp; Gravity &amp; Force Mains</b>	This project extends in a north-south direction from the Agua Hedionda Lagoon to the Encina Water Pollution Control Facility. The project involves the installation of a sewer trunk line (3,960-foot-long force main and a 8,420-foot-long gravity sewer line), a sewer lift station (50 million gallons/day capacity), and a sewer support bridge (140-foot weathered steel span), and improvements to the Vista/Carlsbad Sewer Interceptor System.	Under construction
6. <b>Carlsbad Energy Center Project</b>	Construction of a new electric generating facility to be sited along the eastern boundary of the EPS that would replace the aging, inefficient EPS Units 1-5 that employ once-through cooling using seawater. Once constructed and operational, the project includes the removal and remediation of existing EPS generating equipment and structures.	Pending construction

As provided in this MND, the Project has the potential to significantly impact the following environmental disciplines: Aesthetics, Biological Resources (Marine), Cultural and Paleontological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation/Traffic. However, measures have been identified that would reduce these impacts to a level of less than significant. For any

1 impacts to act cumulatively on any past, present, or any reasonably foreseeable  
2 projects, these projects would have to have individual impacts in the same resource  
3 areas at the same time and in the same localized area as the proposed Project.  
4 Because the potential impacts of the proposed Project could be exacerbated by other  
5 projects, the potential for cumulative impacts are described below.

6 Aesthetics. Projects that may impact the same visual receptor locations as the Project  
7 include the CECP and the Carlsbad Boulevard Improvement Project (it is anticipated  
8 that Agua Hedionda Lagoon Dredging would not occur concurrently with the Project).  
9 These projects together with the proposed Project would exacerbate short-term  
10 aesthetic impacts. The approved CECP has a requirement for landscape and fence  
11 screening of certain visible construction areas (CEC 2009), and the Project would limit  
12 onshore decommissioning months outside of the peak public use period. Project-  
13 specific mitigation measures (identified in Section 3.1, Aesthetics), and the short-term  
14 nature of the proposed Project and other projects in the area, would further mitigate the  
15 Project's contribution to cumulative aesthetic impacts. Therefore, impacts to aesthetics  
16 would be less than significant and are not cumulatively considerable.

17 Biological Resources (Marine). There are no identified pending or approved projects in  
18 the Project area that, together with the proposed Project, would result in cumulative  
19 impacts to marine resources. Therefore, impacts to marine biological resources are not  
20 cumulatively considerable.

21 Cultural and Paleontological Resources. Impacts to cultural and paleontological  
22 resources are potentially cumulatively significant under any circumstance; however,  
23 Project-specific mitigation measures for cultural and paleontological resources  
24 (identified in Section 3.5, Cultural and Paleontological Resources) would further mitigate  
25 the Project's contribution to cumulative impacts on these resources. Therefore, impacts  
26 associated with cultural and paleontological resources would be less than significant  
27 and are not cumulatively considerable.

28 Hazards and Hazardous Materials. Worker and public health hazards associated with  
29 the Project are generally site-specific in that they are associated with potential on-site  
30 hazardous materials (e.g., LBP, ACM, hydrocarbon-containing soils). However, the  
31 potential exposure to toxins may be considered cumulatively significant due to the  
32 ubiquitous nature of toxins in the environment. Project-specific mitigation measures for  
33 hazardous materials (identified in Section 3.8, Hazards and Hazardous Materials) would  
34 further mitigate the proposed Project's contribution to cumulative hazardous materials  
35 impacts. Therefore, impacts associated with hazardous materials would be less than  
36 significant and are not cumulatively considerable.

37 Hydrology and Water Quality. Dredging of the Agua Hedionda Lagoon and other  
38 construction projects, including the proposed Project, have the potential to result in

1 water quality impacts to marine and freshwater systems. It is expected that all projects  
2 would comply with stormwater pollution management regulations, as well as project-  
3 specific mitigation. Project-specific mitigation measures for water quality (identified in  
4 Section 3.9, Hydrology and Water Quality) would further mitigate the proposed Project's  
5 contribution to cumulative water quality impacts. Therefore, impacts associated to water  
6 quality would be less than significant and are not cumulatively considerable.

7 Noise. The CECP is the only cumulative project listed above that is close enough  
8 (spatially or temporally) to the Project area and of a nature to result in cumulative noise  
9 impacts. Noise impacts resulting from the proposed Project would be short-term, and all  
10 projects within the City of Carlsbad must comply with Chapter 8.48 of the City's  
11 Municipal Code, which generally limits disturbing or offensive construction noise to the  
12 hours between 7:00 a.m. and sunset on weekdays and between 8:00 a.m. and sunset  
13 on Saturdays, and prohibits such noise on Sundays and major holidays. Project-specific  
14 mitigation measures for noise (identified in Section 3.12, Noise) would further mitigate  
15 the proposed Project's contribution to cumulative noise impacts. Therefore, impacts to  
16 noise would be less than significant and are not cumulatively considerable.

17 Transportation/Traffic. Construction of the CECP and any other project in the vicinity of,  
18 and at the same time as, the proposed Project would add traffic to local roadways and  
19 could impact the existing traffic load and capacity of the street system. Construction  
20 activities could also impact emergency access and parking capacity, encroach on public  
21 transportation and pedestrian facilities, and introduce oversized and overweight  
22 vehicles. The CECP includes a mitigation measure to address short-term transportation  
23 impacts, which requires the project owner to consult with the City of Carlsbad and  
24 prepare and submit a construction traffic control plan and implementation program to  
25 the Compliance Project Manager for approval. Additionally, Project-specific mitigation  
26 measures for transportation and traffic (identified in Section 3.16, Transportation/Traffic)  
27 would further mitigate the proposed Project's contribution to cumulative transportation  
28 and traffic impacts. The Project-incorporated mitigation measure MM TRA-3 requires  
29 that the Applicant prepare and submit to the City of Carlsbad a Construction Safety and  
30 Traffic Management/Control (CSTMC) Plan and obtain "Right-of-Way" Permits from the  
31 City. This measure would ensure appropriate coordination with the City of Carlsbad  
32 such that proposed improvements to Carlsbad Boulevard and Project implementation  
33 would not conflict. With the implementation of mitigation, impacts to transportation and  
34 traffic would be less than significant and are not cumulatively considerable.

35 Recreation/Utilities and Service Systems. The Project requirements for parks and  
36 recreation facilities and utilities and service systems (e.g., water, sewage, solid waste  
37 disposal capacity) are inconsequential (de minimis) on a cumulative basis due to the  
38 short-term duration and nature of the Project. Therefore, impacts to these environmental  
39 disciplines would be less than significant and are not cumulatively considerable.

1 The Project would have no impact on the following environmental disciplines and,  
2 therefore, would not contribute to any cumulatively considerable impacts: Agriculture  
3 and Forest Resources, Mineral Resources, and Public Services.

4 Mitigation measures that are required to reduce Project-specific impacts would reduce  
5 the proposed Project's contribution to cumulatively significant impacts, as identified  
6 above; therefore, no additional mitigation is required.

7 ***c) Does the project have environmental effects that would cause substantial***  
8 ***adverse effects on human beings, either directly or indirectly?***

9 **Less than Significant with Mitigation.** As described in this MND, the proposed Project  
10 may cause environmental effects that would cause substantial adverse effects on  
11 human beings. For detailed information on these environmental effects, please refer to  
12 the following environmental disciplines: Aesthetics, Hazards and Hazardous Materials,  
13 Hydrology and Water Quality, Noise, and Transportation/Traffic. However, measures  
14 are identified in each environmental discipline's respected section that would reduce  
15 these impacts to a level of less than significant.